

Opening Remarks on Religious Freedom and the May 1, 2000 Report of the U.S. Commission on International Religious Freedom

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U.S. Commission on International Religious Freedom
Senate Foreign Relations Committee

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Good

morning Mr. Chairman and members of the Committee. I'm Rabbi David Saperstein and I am honored to serve as Chair of the United States Commission on International Religious Freedom. Let me begin by thanking the Committee for holding this hearing.

IRFA Process

Today

we report to you on a milestone event: The issuance of the first Annual Report of the U.S. Commission on International Religious Freedom as foreseen under the International Religious Freedom Act, or IRFA, passed in October 1998. The vision of the IRFA process is this: The Founders of our country understood that the words, "We are endowed by our Creator with certain inalienable rights," put freedom of religion at the center of those fundamental rights. It is the first of the enumerated rights in the First Amendment. It is central to the human condition and to what we have striven for during so many decades of the 200-plus-year history of this country: to ensure that the religious life of the individual and of religious communities could flourish without the government restraining or interfering with that freedom; that this is part of the vision of human rights that cuts across the global community, and as such, it ought to be at the heart of American foreign policy.

As we look around the world, however, we find this fundamental liberty under serious threat. In Sudan, the Islamist extremist government is bombing Christian churches, church-run schools, and hospitals. In China we see mass arrests of Falun Gong practitioners, the harassment and arrest of leaders of the Muslim Uighur community, the continued systemic infringement of the Tibetan Buddhists' religious freedom, and the arrests of leaders of the underground Catholic and Protestant Churches. In Iran, Baha'is are sentenced to death just because they are Baha'is. All these things testify that the work of this Commission is urgent work, work of fundamental liberty and of priority importance.

The IRFA process created an Ambassador-at-Large for International Religious Freedom at the State Department and mandated a State Department report once a year. That report, which you have seen, marked a significant change in the way business is done in the American foreign policy establishment. Over an extended period of time, there were foreign service officers, in embassies across the world and in regional bureaus here at the State Department, who were focused on what to say about religious liberty, how to deal with it, how to express it, how to define it, how to describe what is happening on the ground and what America's interests are regarding this issue. More difficult decisions required the attention and involvement of high-ranking State Department officials. That alone marked an important structural change. As our Commissioners traveled to other countries this year, they met with and worked with foreign service officers who are now knowledgeable about issues of religious liberty and involved in diplomatic efforts to combat religious persecution and who made lasting contacts with religious communities and NGOs (foreign and domestic) working in the field.

It is the role of this Commission on an ongoing basis, and then summarized once a year in an annual report May 1st, to make recommendations to the President of the United States, the Secretary of State, and the Congress of the United States on how to address policy related to combating religious persecution and enhancing religious freedom. Because of the delay in appointments of members of the Commission and in Congressional funding for its work, we have only been staffed for six months and in offices for about four months. As a result, we decided that, while engaging in ongoing monitoring of general U.S. policy on religious freedom, in visiting a number of nations, and while making ongoing policy recommendations regarding emerging urgent situations where they occurred (in total these recommendations addressed urgent situations in nearly a dozen countries), we would focus on three priority countries. Two are nations designated by State in the IRFA process as "countries of particular concern." These are countries in which there are systematic, egregious, ongoing manifestations of religious persecution. Those countries are China and Sudan.

At the same time, we also selected another country, Russia, which reflected a completely different dynamic, a country that allows much more religious freedom. There are not the same manifestations of religious persecution, but there are growing problems. This is a country with which the United States has close relations and the ability to make its voice heard more effectively. So we targeted Russia because there are so many religious groups in that country, and in many ways it is a litmus test for all the other new independent states that have sprung up after the collapse of the Soviet empire.

The report we released May 1 was the culmination of our work since the Commission first met late last June. We've held day-long hearings on Sudan here in Washington and on China in Los Angeles. Commissioner Elliott Abrams traveled to southern Sudan and other Commissioners have visited a number of other countries. We've reviewed the State Department reports and met with human rights and church groups, experts on economic sanctions and war-crimes, and others with first-hand

information about the situation of religious freedom in these countries. We tried to visit China, but the Chinese authorities have yet to respond to our requests for visas. We held meetings at least twice a month, one in person, lasting one or two days, another by conference call. In addition, in the run-up to May 1, we spent at least 25 hours in conference calls going over every word in our recommendations and text for the Annual Report.

To me one of the most extraordinary results of the work of this religiously and politically diverse Commission is that both throughout the year and in this report, every recommendation and action was approved by consensus or unanimity. Bonded by a deep and profound commitment to addressing religious persecution for all religious groups and furthering religious freedom for all, these Commissioners' openness to diverse views, new ideas, and different approaches, combined with the respect we had for one another's expertise, allowed us to present this report with the same overwhelming support as we have manifested in our recommendations during the year. There is only one dissent by one Commissioner from two of our Sudan recommendations.

Lest there be any confusion, our formal report is the document so named. The second document is a staff report for the Chair, drawing on our work during the year. It provides helpful background, particularly for those not familiar with the details of religious life in these countries. While I think you will find it a compelling indictment of religious freedom abuses in China and Sudan, we did not feel it necessary to resolve outstanding differences nor to adopt it formally.

The

Annual Report contains a host of recommendations on our three countries of primary focus, and my colleagues will address each country individually. Before I turn to them, however, I would like to say a few words about our review of the State Department's first Annual Report on International Religious Freedom, issued last September.

The State Department and the Office of International Religious Freedom deserve high praise for the high quality and timely publication of the first Annual Report on International Religious Freedom. Equally important was the impact of the Report in making religious freedom a higher priority for the work of every U.S. embassy and consulate.

Even so, the Commission believes that the Report can be strengthened by (a) prioritizing and evaluating information, (b) placing information in context, (c) referencing relevant law, (d) eliminating the potential for bias, (e) referencing international law incorporated into IRFA, and (f) improving the methodology for information-gathering. The Commission's comments in this regard also apply to those sections of the Country Reports on Human Rights Practices that touch on matters related to freedom of religion or belief.

Specifically, the Reports should clearly identify the most significant religious-freedom problems in each country. Gaps in information should be identified, particularly where a foreign government itself is responsible for the inadequacy of available information. The facts and circumstances in the reports should be summarized and evaluated in light of the standards set out in IRFA.

The Report should contain enough historical, religious, and political context to present a more complete picture of religious freedom in each country. State interference with other human rights that are integral to religious exercise should be discussed. The Report should identify each country's relevant constitutional, statutory, and regulatory provisions affecting freedom of religion; explain the relationship between the state and religion; and assess whether the government and courts enforce the laws in a way that promotes religious freedom.

To mitigate bias, the Report should distinguish between religious concepts and how a foreign government may interpret them; politically loaded terms such as "cult," "sect," "orthodox," "fundamentalist," "jihad," or "Shariah" should be used in defined and appropriate ways. The consequences of state sponsorship of a favored religion should be discussed.

Let me close by reviewing the Commission's work plan for the next year. First, we will continue to monitor and make recommendations on the three countries we focused on this year: China, Sudan, and Russia. The conditions that make them worth our attention unfortunately won't go away soon.

Second, we intend to issue recommendations regarding how the State Department identifies so-called "countries of particular concern" before the Department's next report in September.

Third, the Commission will continue to respond to instances of religious persecution whenever they occur. It will also begin the process of analyzing and addressing U.S. policy regarding religious-freedom issues in a larger number of countries. Countries that will draw greater attention during the next phase of the Commission's work are the seven designated by the State Department last October as "countries of particular concern" and the nearly 40 countries discussed in the Executive Summary of the State Department's Religion Report of September 9, 1999.

Fourth, the Commission will also evaluate U.S. policy options that could promote the right to change one's faith and the right to seek to persuade others to change theirs. This issue will address religious freedom issues in a large number of countries.

Lastly, the Commission will make further recommendations on the extent to which capital-market sanctions and other economic leverage should be included in the U.S. diplomatic arsenal to promote religious freedom in other nations.

Mr. Chairman, thank you again for this opportunity to speak to the Committee. With your permission, I would ask that the Commission's May 1, 2000 Report and the Staff Memorandum that accompanied it be included in the hearing record with my testimony.

Thank you.